

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TENNESSEE
WESTERN DIVISION AT MEMPHIS**

FUSION ELITE ALL STARS, SPIRIT
FACTOR LLC d/b/a FUEL ATHLETICS,)
and STARS AND STRIPES)
GYMNASICS ACADEMY INC., d/b/a)
STARS AND STRIPES KID ACTIVITY)
CENTER, on behalf of themselves and all)
others similarly situated)
Plaintiffs,)
v.)
VARSITY BRANDS, LLC, VARSITY)
SPIRIT, LLC, VARSITY SPIRIT)
FASHION & SUPPLIES, LLC, and U.S.)
ALL STAR FEDERATION, INC.,)
Defendants.)
Civ. Action No. 2:20-cv-02600-SHL-atic
JURY TRIAL DEMANDED

**U.S. ALL STAR FEDERATION, INC.'S UNOPPOSED MOTION TO EXTEND
TIME TO ANSWER PLAINTIFFS' FIRST AMENDED COMPLAINT**

COMES NOW Defendant U.S. All Star Federation, Inc. (“USASF”), and moves this Court for an order granting USASF until September 30, 2021 to reply to Plaintiffs’ Amended Complaint. In support of this Motion, USASF states as follows:

1. Plaintiffs filed their Amended Complaint in this action on October 2, 2020, asserting one count of conspiracy to monopolize against USASF in violation of § 2 of the Sherman Act, 15 U.S.C. § 2. (See EFC No. 56.)

2. On December 2, 2020, USASF filed a Motion to Dismiss Plaintiffs' Amended Complaint pursuant to Rule 12(b)(6) of the Federal Rules of Civil Procedure for failure to state a claim upon which relief can be granted. (See ECF Nos. 84 and 84-1.)

3. On August 26, 2021, this Court entered an Order Denying the Defendants Varsity Brands, LLC, Varsity Spirit, LLC, Varsity Spirit Fashion & Supplies, LLC, and U.S. All Star Federation, Inc.'s Motions to Dismiss. (ECF No. 141.)

4. Pursuant to Rule 12(a)(4) of the Federal Rules of Civil Procedure, the current deadline for USASF to answer Plaintiffs' Amended Complaint is Thursday, September 9, 2021.

5. Due to scheduling conflicts presented by other matters, USASF's counsel requires more time to investigate and fully answer the allegations in the amended Complaint.

6. USASF's counsel has conferred with counsel Plaintiffs and confirmed that Plaintiffs do not oppose an extension of time for USASF to file their Answer to September 30, 2021.

WHEREFORE, USASF respectfully requests that this Court grant this Motion and extend USASF's deadline for answering Plaintiffs' Amended Complaint to September 30, 2021.

This, the 7th day of September, 2021.

Respectfully submitted,

/s/ Nicole D. Berkowitz
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Attorneys for U.S. All Star Federation, Inc.

CERTIFICATE OF CONSULTATION

Pursuant to Local Rule 7.2(a)(1)(B), on September 6 and 7, 2021, the undersigned counsel for U.S. All Star Federation, Inc., contacted counsel of record for Plaintiffs regarding the relief sought by USASF in this motion. Plaintiffs do not oppose the relief sought by USASF in this Motion.

s/ Nicole D. Berkowitz _____
Nicole D. Berkowitz

CERTIFICATE OF SERVICE

The undersigned hereby certifies that on this 7th day of September, 2021, the foregoing was filed electronically. Notice of this filing will be sent by operation of the Court's electronic filing system and/or via U.S. Mail, postage prepaid, to all parties indicated on the electronic filing receipt. Parties may access this filing through the Court's electronic filing system. Any sealed filings are being served by email to all counsel of record.

s/ Nicole D. Berkowitz _____
Nicole D. Berkowitz